

FARMINGTON PLANNING COMMISSION PROCEEDINGS  
Farmington Public Library, 23550 Liberty Street  
Farmington, Michigan  
January 11, 2016

Chairperson Crutcher called the meeting to order at 7:00 p.m. in City Council Chambers, 23600 Liberty Street, Farmington, Michigan.

**ROLL CALL**

Present: Buyers, Chiara, Crutcher, Gronbach, Kmetzo, Waun

Absent: Majoros

A quorum of the Commission was present.

**OTHER OFFICIALS PRESENT:** Director Christiansen, Inspector Koncsol

**APPROVAL OF AGENDA**

MOTION by Chiara seconded by Kmetzo, to approve the agenda as submitted.

Motion carried, all ayes.

**APPROVAL OF ITEMS ON CONSENT AGENDA**

**a. Minutes of Regular Meeting – December 14, 2015**

MOTION by Chiara, seconded by Waun, to approve the Consent Agenda as amended.

Motion carried, all ayes.

**PUBLIC HEARING, SPECIAL LAND USE – LAWRENCE NATHAN (MICHIGAN PUB RESCUE), 23927 WESLEY**

Chairperson Crutcher introduced this item and turned it over to staff.

Director Christiansen stated this item is a request to hold the required Public Hearing for a Special Land Use Application for a kennel located at 23927 Wesley. The Applicant, Lawrence Nathan, has submitted plans for a kennel at his home for rescued Pugs. The site is zoned R-1-C, single family residential, country estates. Kennels as accessory use only are a Special Land Use in the R-1-C District in accordance with the requirements of Section 35-72 of the Zoning Ordinance and requires a Public Hearing. As indicated by the Applicant, Mr. Nathan, there will be no changes to the existing use of the property, nor will there be any structural modifications to the home or the property other than installing a residential fence. A survey and photos were attached with the staff report and the Applicant is present at the Hearing to represent his Special Land Use request before the Commission. The requested action of the Planning Commission is to hold the required Public Hearing and to review the submitted Special Land Use application for a kennel at his home.

Chairperson Crutcher invited the Applicant to come to the podium.

Lawrence Nathan, 23927 Wesley, came to the podium. He stated they are basically asking for no structural changes to the home, no outside kennels, and to continue what they have been doing for the last sixteen years which is bringing Pugs to their home that need to be rescued. He stated they are asking for a kennel license so they can have more than three dogs at any given time because there are often not enough foster homes to take care of the dogs that are coming out of shelters and kill shelters and so forth and that nothing will change from what they've been doing for sixteen years.

Christiansen showed the subject property on the screen and the home located on the west side of Wesley, north of Oakland Avenue, a single family residence within an existing single family neighborhood. The property is zoned R-1-C, Country Estates. He indicated that Ordinance requirements permits a maximum of three dogs, or three domestic pets, per single family residential property. As such, the activity that the Nathans have been conducting at their home when there are more than three dogs, doesn't comply with that ordinance requirement. However, the Zoning Ordinance does allow them to seek a special approval from the Planning Commission, because in the R-1-C kennels are permitted. He stated Mr. Nathan filled out a Special Land Use application and provided a narrative as well, indicating that Michigan Pug Rescue, "Pug Love", is a 501(c)3 not-for-profit rescue organization founded in April of 2000 by Mr. Nathan and his wife. It is a foster home based organization where the Pugs live in a foster home until such time as they are adopted to their permanent home. To date the organization has rescued in excess of 625 Pugs and Pug mixes. He cited the purpose of the organization and indicated what's important is how it functions. One of the most important aspects of a Special Land Use is that it cannot change the character of a neighborhood, in this case, a single family neighborhood, it can't result in a negative impact on the adjacent property or can't negatively impact the values of properties in the neighborhood. Christiansen indicated that the Nathans have been conducting this operation at this home for sixteen years, it is a completely enclosed operation, that the dogs, the Pugs, are brought in the house in a contained fashion using crates. He stated the Nathans keep the yard clean on a daily basis and the dogs are not outside for any extended periods of time. He stated there will be no structures associated on the exterior of the house, no kennels, no doghouses, nothing like that. Christiansen stated the rescue operation usually doesn't exceed housing fourteen dogs except under special circumstances and generally the number is eight to ten.

Photographs were shown of the existing home on Wesley and the Applicant described them in detail. The Applicant described the fence that will be constructed as a 6-foot vinyl privacy fence, almond in color, situated within their lot line which Christiansen stated is a permitted use under the fence regulations.

Crutcher inquired if a permit is required and the Applicant responded they have already obtained the permit for the fence and it has been approved.

Chairperson Crutcher then stated thirteen letters of emails of support were received in favor of the Nathan's request, and no letters opposing.

MOTION by Chiara, seconded by Waun, to open the Public Hearing.  
Motion carried, all ayes.

(Public Hearing opened at 7:15 p.m.)

### PUBLIC HEARING

Crutcher invited anyone who would like to comment to come to the podium and stated their name and address for the record.

Joe Dompierre, who lives kitty corner from Mr. Nathan, commended the Nathans for the job they do but stated concern over the definition of "kennel" versus the operation as it exists today and asked what is allowed under the definition of kennel.

Christiansen responded that a kennel is defined as more than three dogs but that no dog kennels or doghouses will be a part of the Special Land Use request so no other structures will be allowed and further discussion was held.

Marie Sklag, 29127 Lyndon, Livonia, stated she is the Director of Community Outreach for the Michigan Human Society and she also volunteers as president of the Michigan Animal Adoption Network and the Animal Care Network. She indicated she has known the Nathans for a little over ten years and are a current Michigan Humane Society transfer partner. She described the role of the transfer partner and the strict criteria that is followed in becoming one. She stated the Nathans have played a significant role in facilitating the process and stated that one of their transfer candidates was present at the hearing tonight, Mikey the Pug, who came with Judge Sabrina Johnson. She talked about the medical history of Mikey and how instrumental the Nathans were in getting him ready for adoption. She stated her support of the Nathans and the work that they do on behalf of the rescue community.

Judge Sabrina Johnson, 621 Magnolia Drive, Inkster, also spoke on the Nathans' behalf in support of their Michigan Pug Rescue organization.

Ken Cobb, who lives directly behind the Nathans, stated he talked to Larry Nathan about tree removal in the back of his property that abuts his and stated his understanding of the conversation was that he would not cut down the rest of the trees but build the fence right where the trees end on his property. The Applicant responded that some of the trees will need to be cut back, but they will not cut them down.

Jeremy Jaworsky, who lives across the street from the Nathans, spoke in support of the Special Land Use request by the Nathans and commended them on their operation.

Fred Rossman, 7249 Westchester, West Bloomfield, stated he has known the Nathans for roughly twenty years and has been in their home many times and stated that it was kept clean and praised the Nathans for their dedication to their Pug Rescue operation and asked the Commission to grant their request.

Derek Steel, 23907 Wesley Drive, the house directly next to the Nathans, spoke about being bothered by the dogs barking when they saw people and was glad to hear that a privacy fence was being installed. He brought up the fact that the Commission's job was to consider how the operation affected the neighborhood and to take into consideration that it may devalue the properties in the neighborhood. He raised the question of the Special Land Use staying with the owner and not the property itself and said that through the research he has done that there can be a 5 to 10 percent devaluation of homes directly around a kennel and that Google Maps shows that there is a Pug Rescue right next to his home.

Buyers asked Steel if his concerns pertaining to noise, dogs attracted to the fence, if that could be mollified by the installation of evergreens, arborvitaes or some kind of greenbelt and Steel responded that the privacy fence may suffice but would not know until it is installed.

Gronbach asked how long Steel had lived next door to the Nathans and he responded four years.

Ryan Bennett, 23970 Wesley, stated he moved into the residence about four years ago this January and had no idea there was a Pug Rescue across the street until he met Mr. Nathan when he was walking one of his own Pugs. He stated the Nathans yard is the nicest on the street and that he spends a lot of time outdoors and does not hear the dogs and spoke in support of the Special Land Use request.

Howard Wallach stated he has had the pleasure of knowing the Nathans for 25 to 30 years as he is their lawyer and he represents the company, Pug Rescue. He stated in his experience in working with them, the Nathans are people who always want to try to comply and he spoke highly of their standards and ethics in being good neighbors and encouraged the Commission to grant their request.

Dr. Karen Norbusky, Allen Animal Hospital, 19066 Farmington Road, stated she has been working with the Nathans and Michigan Pug Rescue for several years and indicated that many of the animals are true "throwaways", not wanted by anyone else although they are salvageable, but need extensive care and looked after for weeks or months until they are adoptable. She stated the Nathans have generously opened their own home to care for these animals so their lives could be saved. She spoke in support of their request and hoped that they are allowed to continue their work.

Kelly Vidassy, 36684 Richland, Livonia, stated she used to foster for the Nathans and indicated they are genuinely concerned about the Pugs and go to the foster homes to ensure they are in compliance and encouraged the Commission to grant their request.

Connie Jordan, stated that her and her husband Jack lived in Farmington for thirty-eight years by the Nathans and have known them for twenty years. She spoke highly of their upkeep of their home and property and were great neighbors.

Ken Cobb, who lives on Whitaker in the house directly behind the Nathans, asked what impact granting this would have on the value of the homes in the neighborhood, and asked the Commission to explore what neighboring communities have done in like instances.

MOTION by Gronbach, seconded by Buyers, to close the Public Hearing.  
Motion carried, all ayes.

(Public Hearing closed at 7:45 p.m.)

The floor was then opened for questions from the Commissioners.

Chiara inquired of the Applicant who pays for the veterinary care for the animals and Nathan responded the organization will pay but if they don't have the money, they pay the bill themselves. Nathan stated the organization does fundraising to help with costs as well as private donations.

Chiara then asked if all of the dogs are adopted out and Nathan replied once in a while they will have to euthanize one if it is deemed not to be adoptable which means it bit somebody. He cited an example of a dog that was rescued from a kill shelter that was ten years old and ended up blind and deaf and that they cared for the dog for the remaining years of his life at their home as a permanent foster.

Buyers asked if all the dogs are spayed or neutered and Nathan responded yes. Buyers then inquired about breeding and Nathan indicated that won't deal with breeders and that all the dogs have to be medically cleared by a doctor or they can't be adopted out.

Buyers inquired where the dogs are housed and Nathan responded in the bedroom. Buyers asked how many bedrooms are in the home and Nathan responded four, one being used for the animals.

Buyers then asked about the fence being installed and Nathan responded it is a 6-foot vinyl privacy fence. Buyers then asked how far it will extend and Nathan stated there will be gates with lattices on the front at the top.

Buyers confirmed the comment from Mr. Cobb, the neighbor, that the Nathans will just be trimming the trees but not cutting them down and he responded in the affirmative. He then asked considering the comments from the other neighbor, Mr. Steel, had he thought of augmenting in addition to the privacy fence with arborvitae or evergreens and Nathan responded no as the privacy fence is opaque and further discussion was held.

Nathan also informed the Commission that his home had received a Beautification Award from the City in the past, approximately four or five years ago.

Kmetzo asked the Applicant how many Pug rescue organizations there are in the State of Michigan and he responded two others. She then inquired the area in which they're located and he responded there is one in Wixom and one in the middle part of the State. She then asked how many foster homes he is working with now and he responded five. She then asked if there was a limit that he and wife had discussed on the number of dogs and he stated eight to ten maximum.

Gronbach asked of Administration if the Commission was to approve the Special Land Use, can it be restricted to a particular breed such as Pugs or a size and Christiansen responded that the specifics are spelled out in the Special Land Use application and must meet certain criteria and that the Commission can set any conditions that they feel are reasonable to granting approval and would be specific to the current owner and not the land.

Gronbach then asked why this issue surfaced after sixteen years and Christiansen replied that a complaint was filed and raised awareness and quoted the minutes from the prior meeting.

Nathan stated that they had approached the City sixteen years ago when they first started doing rescue and asked if there was a problem and was told as long as there were no complaints, it wasn't an issue

Kmetzo asked for the official definition of kennel as described in the Zoning Ordinance and Buyers read the language of the ordinance.

Christiansen elaborated on the answer by saying the definition of kennel in this case would be the housing and keeping of more than three domestic animals.

Buyers stated that it is obvious based on the number of people that came to speak on the Nathans behalf in support, albeit not completely unanimous, that there's a great deal of support, a lot of people that aren't aware that the enterprise has been conducted for the past sixteen years, and there's a lot going on in support of the Nathans position as well as being partnered with a very well-known entity, the Michigan Humane Society, who is particular about choosing someone as a transfer partner, and accomplishing a great deal of public good, but that the concerns of Mr. Steel and other neighbors with respect to property values, that he would like to make a motion to approve with conditions.

MOTION by Buyers, supported by Gronback, to approve the Special Land Use Request for Lawrence Nathan, (Michigan Pug Rescue), 23927 Wesley, with the following n conditions:

1. That a six-foot vinyl opaque privacy fence will be installed;
2. That waste is to be picked up not less frequently than every other day;
3. That the approval be limited to a maximum of ten animals at a time;
4. That all animals be spayed or neutered;
5. That there be no breeding of animals;
6. That this Special Land Use Request is limited to the Applicant only, Lawrence Nathan, that it shall not run with the land;
7. All animals shall be housed inside the residential dwelling located at 23927 Wesley, except as required for sanitary purposes and limited exercise;
8. That the trees at the rear of the yard be trimmed, not cut down;
9. That this be specifically limited to Pugs and Pug mix breeds only.

The Applicant asked that his wife's name be included in the motion and Buyers agreed to the amendment.

Christiansen offered a friendly amendment to the motion to include is that there's an indication by the Planning Commission in their action, that the primary use of the home remains single family residential, and the Special Land Use is accessory to the single family residential use and that no changes to the exterior of the home with respect to a kennel operation is to take place as indicated by the Applicant and that it remains currently as is, a single family residential dwelling.

Buyers amended his motion to include the condition stated by Christiansen.

MOTION by Buyers, supported by Gronbach, to approve the Special Land Use Request of Lawrence and Barbara Nathan (Michigan Pug Rescue), 23927 Wesley with the following conditions:

1. That a six-foot vinyl opaque privacy fence will be installed;
2. That waste is to be picked up not less frequently than every other day;
3. That the approval be limited to a maximum of ten animals at a time;
4. That all animals be spayed or neutered;
5. That there be no breeding of animals;
6. That this Special Land Use Request is limited to the Applicants only, Lawrence and Barbara Nathan, that it shall not run with the land;
7. All animals shall be housed inside the residential dwelling located at 23927 Wesley, except as required for sanitary purposes and limited exercise;
8. That the trees at the rear of the yard be trimmed, not cut down;
9. That this be specifically limited to Pugs and Pug mix breeds only.
10. That the primary use of the home remains single family residential use and that no changes to the exterior of the home with respect to a kennel operation is to take place as indicated by the Applicant and that it remains currently as is, a single family residential dwelling.

MOTION carried, all ayes.

**PUBLIC COMMENT**

None heard

**PLANNING COMMISSION COMMENTS**

Chiara thanked the audience for all of the support they offered to the Nathans.

Jack Jordan, an audience member, then thanked the Commissioners for the way they handled this matter, the respect that was shown to all people involved and the open manner in which it was conducted.

Christiansen stated to the Commissioners that he is going to set up an educational and training session to for them in the near future.

Chiara stated he would like a current roster to reflect the new members.

**ADJOURNMENT**

MOTION by Buyers, seconded by Chiara, to adjourn the meeting.  
Motion carried, all ayes.

The meeting was adjourned at 8:09 p.m.

Respectfully submitted,

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Secretary